

ORDINANCE NO. _____, SERIES 2007

**AN ORDINANCE AMENDING ORDINANCE 16, SERIES 2006
EXTENDING THE PORTLAND NEIGHBORHOOD CATEGORY 3
REVIEW PROCESS PENDING THE ADOPTION OF THE PORTLAND
NEIGHBORHOOD PLAN.**

SPONSORED BY: COUNCILWOMAN CHERI BRYANT HAMILTON

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") hereby finds that the Portland Neighborhood is deteriorating because of lack of maintenance by property owners, encroachment of mixed land uses, development that is inconsistent with the historic and traditional pattern of the neighborhood, lack of well-maintained community facilities, increased crime and problems related thereto; and that the gradual decay and deterioration has affected the once attractive and well-maintained residential areas and previously prosperous industrial and commercial areas of the Portland Neighborhood;

WHEREAS, the Council finds and declares that the preservation, protection, rehabilitation, perpetuation, and use of the Portland Neighborhood is necessary to preserve and enhance the quality of life for all residents of the Louisville/Jefferson County metropolitan area;

WHEREAS, the Council finds that the development and adoption of a new neighborhood plan for the Portland Neighborhood pursuant to Chapter 161 of the Louisville/Jefferson County Metro Code of Ordinances is necessary to assist in the protection, preservation, and revitalization of the Portland Neighborhood; specifically, to promote infill development that is compatible with the historic and traditional character of the area, to facilitate the provision of neighborhood services which are currently lacking in Portland, to recommend area-wide zoning changes so that land use patterns

will be consistent with the traditional neighborhood character of the area as opposed to a destabilizing factor, to protect the historic significance of the neighborhood, and to address and resolve problems caused by the predominance of defective and inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, and usefulness, deterioration of site improvements, inappropriate and incompatible land use patterns, diversity of ownership, unsanitary and unsafe conditions, and infill development that is not in character with the strong historic and traditional pattern of development in the neighborhood;

WHEREAS, the Council finds that the existing Portland Neighborhood Plan is over 20 years old, and the citizens of Portland desire to revise and update the neighborhood plan for the aforementioned reasons, as well as to bring the neighborhood plan into conformance with the more recently adopted Cornerstone 2020 Comprehensive Plan; and

WHEREAS, during the preparation of a new neighborhood plan for Portland and during the subsequent process of implementing the plan by adopting any changes in zoning or other legislative enactments recommended by the plan, the Council desires that all proposed development and subdivisions in the Portland Neighborhood undergo a Category 3 level of review as set forth in the Land Development Code, which requires notification of adjoining property owners, allows for public input in the development review process, and requires review and approval by the Planning Commission or an authorized committee thereof; and

WHEREAS, the current Ordinance, requiring all proposed development and subdivisions in the Portland Neighborhood undergo a Category 3 level of review, is due to expire on February 9, 2007; and

WHEREAS, an additional one (1) year may be necessary to complete the Portland Neighborhood Plan.

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METROPOLITAN GOVERNMENT AS FOLLOWS:

Section I: That all new building construction, expansions to existing structures, and interior alterations resulting in an increase in the number of dwelling units in the Portland Neighborhood, regardless of the size of the building or expansion or the number of units proposed, shall be required to go through a Category 3 review as set forth in the Land Development Code prior to issuance of permits by the Louisville Metro Department of Inspections, Permits, and Licenses.

Section II: This Ordinance shall not apply to any building permit requested for the construction of an accessory structure for a single family home or to the expansion of an existing residential structure, provided the construction or expansion does not result in any additional dwelling units. Further, this Ordinance shall not apply to structural changes to existing buildings or interior renovations that do not enlarge or result in a change in use or number of dwelling units of the building.

Section III: That all proposed subdivisions in the Portland Neighborhood, regardless of the number of lots, shall be required to go through a Category 3 review as set forth in the Land Development Code prior to approval by the Louisville Metro Planning Commission, or authorized designee thereof.

Section IV: This Ordinance shall apply to any building permit application and to any major or minor subdivision application received after the effective date of this Ordinance, to any pending building permit application received prior to the effective date which has not been approved by the Louisville Department of Inspections, Permits, and Licenses, and to any major or minor subdivision application received prior to the effective date which has not received approval by the Louisville Metro Planning Commission by the effective date.

Section V: This Ordinance shall not apply to any applications for permits or subdivision approval, whether received before or after the effective date of this Ordinance, made pursuant to a development plan approved by the Planning Commission or committee thereof prior to the effective date of this Ordinance.

Section VI: For purposes of this Ordinance, the Portland Neighborhood is the area bounded as follows: Beginning at a point where Market Street intersects the railroad track between 13th and 15th Streets, then proceeding west along Market Street to 38th Street, then proceeding north along 38th Street (including parcels on both sides of 38th Street) to its intersection with Bank Street, then proceeding west along Bank Street (including parcels on both sides of Bank Street) to its intersection with Northwestern Parkway, then continuing east and then north along the boundary of Shawnee Park to the south bank of the Ohio River, then proceeding eastwardly along the south bank of the Ohio River to a point where the aforementioned railroad track would intersect the Ohio River, then proceeding south along said railroad track to the point of beginning, as shown on the map attached hereto as Exhibit A.

Section VII: This Ordinance shall take effect upon passage and approval and shall remain effective for a period of two (2) years after the effective date, unless repealed or extended.

Section VIII: The effective date of this Ordinance is hereby extended an additional one (1) year and shall take effect upon passage and approval and shall continue to remain in effect unless repealed, extended or the Portland Neighborhood Plan is adopted by the Council. Planning and Design Services shall report to the Council in six (6) months on the status of the Portland Neighborhood Plan and the Category 3 review process in Portland.

Kathleen J. Herron
Metro Council Clerk

Rick Blackwell
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

By: _____

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